

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPEAL NO. 80 OF 2006

Shri D.N. Samant .. Appellant
versus
Shri N.K. Thakkar & Anr. .. Respondents

...

Mr.C.S. Joshi for the appellant.

CORAM : D.G. KARNIK, J

DATED : 16th August 2006.

P.C.:

1. Heard learned counsel for the appellant.
2. This petition is filed by the petitioner u/s.24 of the Code of Civil Procedure for transfer of the suit bearing no.1331 of 2001 pending in the City Civil Court, Mumbai to the Court of Civil Judge, Sr. Division, Thane, for trying along with Summary Suit no.76 of 2001. Learned counsel for the petitioner states that the subject matter of the two suits is the

same and issues involved are identical. If so, the petitioner is at liberty to apply for stay of the suit which is filed later u/s.10 of the Code of Civil Procedure. I do not see any reason to transfer the suit from one Court to another.

3. In the circumstances application is rejected summarily.

(D.G. KARNIK, J)